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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/033,338

12/28/2001

Sridhar Gollamudi

5-20

7159

7590

01/17/2006

Docket Administrator (Room 3J-219)
Lucent Technologies Inc.
101 Crawfords Corner Road
Holmdel, NJ 07733-3030

EXAMINER

AGHDAM, FRESHTEH N

ART UNIT

PAPER NUMBER

2631

DATE MAILED: 01/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Advisory Action Before the Filing of an Appeal Brief	Application No. 10/033,338	Applicant(s) GOLLAMUDI ET AL.	
	Examiner Freshteh N. Aghdam	Art Unit 2631	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 27 December 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 - b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

- 3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 - (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ They raise the issue of new matter (see NOTE below);
 - (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

- 4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
- 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
- 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
- 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: 3, 5-6, 8-9, and 14-15.
 Claim(s) rejected: 1-2, 4, 7, 10-13, and 16-20.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

- 8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
- 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
- 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

- 11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attachment.
- 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
- 13. ☐ Other: _____.

DETAILED ACTION

Applicant's arguments filed 12/27/2005 have been fully considered but they are not persuasive.

Applicant's Argument(s): In pages 8 and 9, applicant argues that the claimed invention is not taught or suggested by Razavilar (First "adjusting a first channel condition threshold... using a first variable step", second "the first channel condition threshold is based on a first modulation and coding scheme (MCS) level used in the data packet transmission", third "determining the variable step using a desired MCS error rate for the first MCS level", fourth "the desired MCS error rate is based on a block or bit error rate target criterion, and fifth "determining a variable step for adjusting a channel condition threshold").

Examiner Response: First, Razavilar teaches adjusting a first channel condition threshold (i.e. target channel condition) by a variable step (+ and/ or – step size; figure 6, steps 612 and 614). Second, Razavilar teaches that channel condition threshold corresponds to the MCS level (Par. 72; BPSK, QPSK rate $\frac{1}{2}$, QPSK rate $\frac{3}{4}$, 16 QAM rate $\frac{1}{2}$, ...) used in the data packet transmission (Fig. 6; Par. 10, 49-50, 72, and 78-79). In paragraph 73, Razavilar teaches that based on the type of service (i.e. TOS; voice, data, and video), the initial channel condition to be assigned is different (Fig. 6, step 606; Par. 49-50); therefore, the channel condition threshold value is adjusted in response to the error detected in a received MCS (i.e. admissible rates or

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PHY modes; Par. 72 and 78; Fig. 6, steps 606, 608, 612, and 614) and the received signal strength ($RSS_i(n)$; Par. 72 and 79, Fig. 6, steps 604, 606, 610, and 612). Third, Sindhushayana further teaches that the variable step is determined using a desired MCS error rate for the first MCS level (Fig. 3; Par. 41-45 and 47); and moreover, definition of the desired MCS error rate that is cited in page 10 of remarks is not included in the claim. Fourth, Sindhushayana further teaches that the desired MCS error rate is based on a block or bit error rate target criterion (Fig. 3; Par. 41-45 and 47). Fifth, Razavilar teaches determining a variable step for adjusting a channel condition threshold based on the detected error and the signal strength of the received signal (Fig. 6).

Conclusion

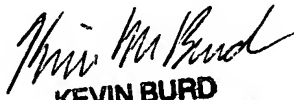
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Freshteh N. Aghdam whose telephone number is (571) 272-6037. The examiner can normally be reached on Monday through Friday 9:00-5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ghayour can be reached on (571) 272-3021. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Freshteh Aghdam
January 9, 2006


KEVIN BURD
PRIMARY EXAMINER